(8) Division Bench

Union & GR Goel 30/12/05

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No 566 /2005

PETITIONERS : 1. S. K. Malewar S/o Late Shri G. N. Malewar, aged about 41 years, Guard S.E.C.Railway, R/o Deorikhurd, Bilaspur (C.G.).

2. Ramesh Kumar S/o Late Shri Ramchandra Yadav, aged about 41 years, Guard, S.E.C.Railway, R/o New Loco Colony, Bilaspur (C.G.).

3. B. K. Dogre S/o Late Shri Chaitram Dongre, aged about 49 years, Guard S.E.C.Railway, R/o R.T.S. Colony, Bilaspur (C.G.).

4. D. Sita Ramaiah S/o Shri D. Neeliah, aged about 56 years, Guard, S.E.C.Railway, R/o Railway Colony, Bhilai Marshalling Yard, Bhilai (C.G.).

5. P. K. Ray S/o Shri M. D. Ray, aged about 46 years, Guard, S.E.C. Railway, R/o Railway Colony Dallirajhara, District- Durg (C.G.).

6. G. S. Moryani S/o Late Shri N.D.Moryani, aged about 57 year, Guard, S.E.C.Railway, R/o Deepak Niwas, Katoratalab, Raipur (C.G.).

P.R. Pratibha Shukla 30/12/05

सचिव आयुक्त 30/12/05

(1)

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7. M.V.S.R. Raju S/o Late Shri M. Rama Raju, aged about 43 years, Guard, S.E.C. Railway, R/o Loco Colony, Raipur (C.G.).

-Versus-

RESPONDENTS : 1. Union of India, Through the General Manager, South Eastern Railway, Garden Reach, Calcutta – 43.

2. The Divisional Railway Manager, South Eastern Railway, Bilaspur (C.G.).

3. The Senior Divisional Personnel Officer, S.E.C. Railway, Raipur (C.G.).

4. The General Manager, South East Central Railway, Headquarters Office, Personnel Department, Bilaspur (C.G.).

5. The Senior Divisional Personnel Officer, S.E.C. Railway, Bilaspur (C.G.).

6. The Central Administrative Tribunal, Jabalpur Bench, Jabalpur through its Registrar, CAT, Jabalpur (M.P.).

R/C
20/01/05
VINAY HARIT
Senior Railway's Standing Counsel
CHHATTISGARH HIGH COURT

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC.OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

Details of the petition.

XI-HC-22

(38)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 566/05

आदेश पत्रक

मामला क्रमांक W.P. (M.A.) 566/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Division Bench:-
Hon'ble Shri A.K.Patnaik, CJ
& Hon'ble Shri Dhirendra Mishra, J.

04-04-2005

Shri G.S.Ahluwalia, learned counsel for the petitioners.
Shri Vinay Harit, learned Sr. Standing counsel for the Union of India/respondents.

The petitioners are working as Guards in the South Eastern Central Railway. When they were promoted to the post of Guard from the lower post, they were given a salary which was less than what they were getting in the lower post. Being aggrieved, they filed Original Application No. 822/1999 before Central Administrative Tribunal, Jabalpur. By the order dated 20th April 2004, the Tribunal disposed of the Original Application with the direction that the petitioners will file a detailed representation before the General Manager, South Eastern Railway, Garden Reach, Calcutta through proper channel and General Manager, S.E.R., shall consider and dispose of the said representation within a period of two months from the date of receipt of the said representation by passing a speaking, detailed and considered order. Pursuant to the order dated 20th April 2004 of the Tribunal, the petitioners filed a representation before G.M. and the said representation has been disposed of by the G.M. vide order dated 09.11.2004. Being aggrieved by the said order dt. 09.11.2004, the petitioners have filed a writ petition under Article 226/227 of Constitution of India.

In ***L.Chandra Kumar Vs.Union of India and others***, the Constitution Bench of the Hon'ble Supreme Court has held that the jurisdiction conferred upon the High Courts under Articles 226/227 against the order passed by the

(पीछे देखिये)

XI-HC-22

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A.566/08 **सन्** ~~200~~ W.P.566/05

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Tribunal is not ousted and all the decisions of the Tribunals will, therefore, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls, but the Tribunals will continue to act like Courts of first instance in respect of the areas of law for which they have been constituted and it will not be open for litigants to directly approach the High Courts even in cases where they question of vires of statutory legislations by overlooking the jurisdiction of the concerned Tribunal.

In view of the said judgement of the Constitution Bench of the Hon'ble Supreme Court in the case of L.Chandra Kumar Vs. Union of India and others (supra), the petitioners, if aggrieved by the order dated 09.11.2004 passed by General Manager, S.E.C.R., cannot approach this Court directly but can approach Central Administrative Tribunal at the first instance and only if they fail before the said Tribunal, they may move this Court against the decision of the said Tribunal.

With the aforesaid observations; the petition stands disposed of.

Sd/-
Chief Justice

Sd/-
Dhirendra Mishra
Judge

(पीछे देखिये)

7/4/05 13.4.05